REMARKS

Claims 1-11, 19-32 and 38-48 are pending with claims 1, 7, 11, 19, 23, 28 and 45 being independent. The claims have not been amended.

In light of the following remarks, reconsideration and notice of allowance of all pending claims are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-7, 9, 19, 20, 22-25, 27-32, 38-45 and 48 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,198,920 to Doviak et al. ("Doviak"). The rejections and their underlying reasoning are respectfully traversed.

Claim 1 and its dependent claims

The Office continues to contend that Doviak anticipates claim 1. (See, e.g., Office Action Dated September 26, 2007 at pages 3-6.) However, the cited portions of Doviak fails to support the contention. In particular, Doviak fails to teach or suggest the claimed "monitoring a predetermined set of parameters corresponding to one or more characteristics of the active and passive connections to determine whether to open one or more additional connections; close one or more of the opened connections; and change the selected active connection as a passive connection and select one or more of the passive connections as the active connection."

In contrast to claim 1, Doviak teaches a system that "instructs how to select a particular network" to connect. (See, Doviak at col. 35, ll. 37-39.) Thus, Doviak merely determines which networks are available and selects one of the networks to connect and transmit data. (See, *id.* at col. 35, l. 58 – col. 36, l. 34.)

In addition, Doviak teaches a "Network Availability 210" function that "interrogates each installed Network Interface 214 in the Router 200 and may determine if the Network Interface 214 is installed...." (See, Doviak at column 34, lines 19-26.) The Network Availability process 210 in Doviak forwards to the Decision process 206 the information received from the Network Interface 214, and the "Decision process 206 operates in accordance with User Configured parameters 208 which specify when and through which Network the data is to be transmitted." (See Doviak at column 30, lines 2-7.) Thus, the determination of which network to use in Doviak is based on predetermined user configured parameters and is not based on the claimed monitored parameters associated with active and passive connections.

The Office contends that the Network Interface 214 in Doviak that interrogates each installed Network Interface 214 teaches the claimed "monitoring a predetermined set of parameters..." However, Doviak teaches interrogating each installed Network Interface 214. (See, Doviak at column 34, lines 19-26.) Thus, the Network Interface 214 interrogates only those already installed network interfaces.

Applicant : Frederick William Strahm et al.   Attorney's Docket No.: 10559-423001 / P10437
Serial No. : 09/811,161
Filed   : March 16, 2001
Page   : 4 of 10

Also, the "Decision process 206 [in Doviak] operates in accordance with User Configured parameters 208 which specify when and through which Network the data is to be transmitted." (See Doviak at column 30, lines 2-7.) Thus, the Decision process 206 selects which of the already installed networks should be used to transmit the data. Further, selecting the available network in Doviak is performed based on "User Configured parameters 208.) and not based on the claimed "monitoring a predetermined set of parameters."

Further, the Decision process 206 in Doviak does not determine based on the monitored "predetermined set of parameters" whether to "open one or more additional connections" and "close one or more of the opened connections" as recited in claim 1. In contrast, the system in Doviak has a set number of installed available networks that the Decision process 206 can select from. Nowhere does Doviak teach determining whether to open or close connections (See, e.g., Doviak at FIGS. 29-30.) If the rejections are maintained in the next office action, Applicant requests the Office clearly identify the teachings in Doviak that teaches this feature.

For at least these reasons, claim 1 is allowable over Doviak. Claims 2-6, 9 and 38-41 depend from claim 1, and are allowable over Doviak for at least the same reasons.

<u>Claim 7 and its dependent claims</u>

Claim 7 is allowable over Doviak for at least reasons similar to claim 1. Claims 42-44 depends from claim 7, and are allowable over Doviak for at least the same reasons.

<u>Claim 19 and its dependent claims</u>

Claim 19 is allowable over Doviak for at least reasons similar to claim 1. Claims 20-22 depend from claim 19, and are allowable over Doviak for at least the same reasons.

Claims 23 and its dependent clams

Claim 23 is allowable over Doviak for at least reasons similar to claim 1. Claims 24-25

and 27 depend from claim 23, and are allowable over Doviak for at least the same reasons.

Claims 28 and its dependent clams

Claim 28 is allowable over Doviak for at least reasons similar to claim 1. Claims 29-32

depend from claim 28, and are allowable over Doviak for at least the same reasons.

Claims 48 and its dependent clams

Claim 48 is allowable over Doviak for at least reasons similar to claim 1.

Rejections Under 35 U.S.C. § 103

Claims 8, 10, 21, 26, and 46 stand rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Doviak in view of U.S. Patent No. 6,614,808 to Gopalakrishna

("Gopalakrishna"). The rejections and their underlying reasoning are respectfully traversed.

Claims 8 and 10

The proposed combination of Doviak and Gopalakrishna fails to teach or suggest each

and every features of claims 8 and 10. Claims 8 and 10 depend from claim 1, and are allowable

over Doviak for at least reasons similar to claim 1. The addition of Gopalakrishna fails to cure

the deficiencies of Doviak.

Due to the deficiencies of Doviak, the Office proposes to add the teachings of

Gopalakrishna that allegedly teach the claimed "a process 100 for performing network packet

aggregation over one or more client sessions." (*See* Gopalakrishna at col. 4, ll. 53-55).

However, Gopalakrishna suffers from similar deficiencies as Doviak. In particular, Gopalakrishna fails to teach or suggest the claimed opening two or more connections and assigning at least one of the connections as an active connection. In addition, Gopalakrishna fails to teach or suggest the claimed, "determine whether to open one or more additional connections; close one or more of the opened connections; and change the selected active connection as a passive connection and select one or more of the passive connections as the active connection." Since both Doviak and Gopalakrishna fail to teach or suggest the same claimed features, a hypothetical combination of Doviak and Gopalakrishna, which is not conceded, still fails to teach or suggest each and every features of claim 8 and 10.

For at least these reasons, claims 8 and 10 are allowable over the proposed combination of Doviak and Gopalakrishna.

Claims 21 and 26

Claims 21 and 26 are allowable over the proposed combination of Doviak and Gopalakrishna for at least reasons similar to claims 8 and 9.

Claim 46

Claim 46 is allowable over the proposed combination of Doviak and Gopalakrishna for at least reasons similar to claim 8.

Claims 11 and 47 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Doviak in view of U.S. Patent Application Publication No. 2005/0132049 to Inoue et. al. ("Inoue"). The rejections and their underlying reasoning are respectfully traversed.

Claim 11

The proposed combination of Doviak and Inoue fails to teach or suggest each and every

features of claim 11. For at least reasons similar to claim 1, claim 11 is allowable over Doviak.

The addition of Inoue fails to cure the deficiencies of Divuak.

Inoue teaches a system for connecting mobile devices through various routers and base

stations. (*See,* Inoue at FIG. 1 and ¶ [0056].) While various communication paths are described,

similar to Doviak, Inoue fails to teach or suggest the claimed opening two or more connections

and selecting at least one of the opened connection as an active connection and the rest as

passive connections. Further, Inoue fails to teach or suggest the claimed, "determine whether to

open one or more additional connections; close one or more of the opened connections; and

change the selected active connection as a passive connection and select one or more of the

passive connections as the active connection." Inoue is simply silent as to these and other

claimed features.

In addition, the Office concedes that Doviak at least fails to teach or suggest "the

information comprising a command causes the server to contact a remote system, receive a reply

from the remote system, and effect a response without transmitting the reply to the device."

(*See,* Office Action Dated September 26, 2007 at 42.) While the Office contends that Inoue

teaches this feature in the abstract (*see, id.*), the cited portions of Inoue fails to support the

contention.

As previously presented, Inoue teaches that "[t]he cache servers can be managed by

receiving a message indicating at least a connection location of a mobile computer, selecting one

or more cache servers located nearby the mobile computer according to the message, and controlling these one or more cache servers to cache selected WWW information selected for the mobile computer, so as to enable faster accesses to the selected WWW information by the mobile computer." (*See,* Inoue at abstract.) In other words, the system in Inoue caches or stores the "WWW information" for faster access of the cached information by the mobile device. This feature in Inoue is not applicable to the claimed features in claim 11. In particular, the system in Inoue simply teaches that the "selected WWW information" is cached. Since the "WWW information" in Inoue is merely the data that mobile device can access, merely caching the data is not relevant to claim 11.

Further, the message in Inoue does not cause the cache servers to contact the mobile device. In contrast, the message merely receives the connection location of the mobile device and to cache the "WWW information." Also, even if the cached information could somehow reasonably be construed as the claimed reply (which is not conceded), the information is made available to the mobile device in Inoue (i.e., "enable faster accesses to the selected WWW information by the mobile computer.) In contrast, claim 11 recites that a reply is not transmitted to the device.

The Office has yet to address this claimed feature. Further, the Office has yet to respond to Applicant's remarks regarding this claimed feature. If the rejections are maintained in the next office action, Applicant respectfully requests that the Office fully address each and every claimed feature.

For at least these reasons, claim 11 is allowable over the proposed combination of Doviak and Inoue.

Claim 47

Claim 47 is allowable over the proposed combination of Doviak and Inoue for at least reasons similar to claim 11.

CONCLUSION

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

All pending claims are in condition for allowance, and a notice to that effect is respectfully solicited.

Applicant : Frederick William Strahm et al.
Serial No. : 09/811,161
Filed : March 16, 2001
Page : 10 of 10

Attorney's Docket No.: 10559-423001 / P10437

Please apply the one month extension of time fee and any other charges or credits

to deposit account 06-1050.

Respectfully submitted,

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